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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 09/840,488 | 04/23/2001 | Klaus-Juergen Pees | 33350-03 | 5506 |
| 26474 | 7590 | 08/02/2005 | EXAMINER | |
| NOVAK DRUCE DELUCA & QUIGG, LLP | | | BERCH, MARK L | |
| 1300 EYE STREET NW | | | ART UNIT | PAPER NUMBER |
| SUITE 400 EAST | | | | |
| WASHINGTON, DC 20005 | | | 1624 | |

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



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AUG 2 2005

NOVAK DRUCE DELUCA & QUIGG, LLP
 1300 EYE STREET NW
 SUITE 400 EAST
 WASHINGTON DC 20005

| | |
|-------------------------------|------------------------|
| In re Application of | : |
| Klaus-Jurgen Pees et al | : |
| Serial No.: 09/840,488 | : SUSPENSION OF ACTION |
| Filed: April 23, 2001 | : |
| Attorney Docket No.: 33350-03 | : |

This is in response to the petition under 37 CFR 1.103(a), filed June 21, 2005, to suspend prosecution of the above identified application for six months.

The petition fee of \$200.00 will be charged to applicants' Deposit Account No. 14-1437, as directed. (It is noted that an incorrect petition fee of \$130.00 has been charged.)

Applicants seek suspension of prosecution in this application for a period of six months in conjunction with the filing of RCE papers following the mailing of a decision by the Board of Patent Appeals and Interferences on May 31, 2005.

37 CFR 1.103. Suspension of action.

(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in §1.17(I). **Action will not be suspended when a reply by applicant to an Office action is required.**

(c) Limited suspension of action after a request for continued application (RCE) under § 1.114 . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph after the filing of a request for continued examination in compliance with § 1.114 for a period not exceeding three months. Any request for suspension of action under this paragraph must be filed with the request for continued examination under § 1.114, specify the period of suspension, and include the processing fee set forth in § 1.17(i).

M.P.E.P. 709 relates to suspension of action in an application. 37 CFR 1.103(c) permits a **limited suspension** of action upon filing of RCE papers (emphasis added). Applicants state that a copending reissue application has been filed which when granted will extend this applications' priority back sufficient to remove the primary reference used against the claims in this application and request a six month suspension of action in order to assure that such will be accomplished. The Office is without authority to grant a suspension for longer than three months in conjunction with the filing of RCE papers.

The petition to suspend action is GRANTED for a period of three (3) months in accordance with 37 CFR 1.103(c) upon processing of the RCE papers.

(It is noted that the copending reissue application has now been allowed and is undergoing further processing prior to mailing of the notice of Allowability and Notice of Allowance and Issue Fee Due.)

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number 571-273-8300.



George C. Elliott
Director, Technology Center 1600